S.B. CIVIL MISC. APPEAL NO.1625/2006.
(Khetu Lal and Anr. Vs. Dhokal Ram & Anr.)

Date of Order :: 06.11.2006.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.K. Sankhla, for the appellant.

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The claimants 69 and 62 years in age seek enhancement over the amount of Rs. 1,62,000/- awarded by the Tribunal on account of accidental death of their 20 years old son Pukhraj.

Though the deceased was said to be earning as an artisan of jewellery but for want of any cogent evidence in relation to his income, the Tribunal has taken him to be an unemployed person and after taking his income at Rs.15,000/- per annum has applied a multiplier of 16 and after deducting one-third on his personal expenditure has considered loss of contribution at Rs.1,60,000/- and has further allowed Rs.2,000/- towards funeral expenses.

In the claim application moved under Section 163-A of the Motor Vehicles Act, the award so made by the Tribunal obviously stands on higher side particularly when considered in the context of the fact situation of the case that the claimants are above 60 years in age and then that the deceased was an unmarried person. The assessment of loss of contribution at Rs.1,60,000/- stands on higher side ruling out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/